Seminar in Public Law – POLS 5320  
(Seminar in Judicial Politics)  
Department of Political Science  
University of Texas at El Paso  
Tuesday, 6:00pm-8:50pm, 205 Benedict Hall  
Syllabus – Fall 2014

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Office Hours: T/Th - 2pm-4pm or by appointment

Course Description:  
This is a graduate seminar in judicial politics, which is to say this is not a course in constitutional (or any other kind of) law. Rather, we will examine scholarly research on the political nature of the courts. This class will introduce students to the political science literature on various aspects of courts, judges, and legal systems. In particular, we will consider a variety of theoretical arguments made concerning the manner in which courts operate as well as the empirical evidence in support of these arguments. We will focus on the United States Supreme Court, as well as lower federal courts, state courts, and high courts in other countries.

Required Texts:


Recommend Reading (to be done before the second week of class)

If you have never had an undergraduate course on judicial politics or the U.S. Supreme Court, I highly recommend you read these books. Furthermore, if you would like a stronger foundation of knowledge before moving deeper into the course, these books would also be to your benefit.

- Epstein, Lee and Jack Knight. 1997. The Choices Justices Make. CQ Press. 978-1568022260. (This book can be thought of as a primer to the scientific study of SCOTUS)
**Required Readings**

Other readings (unless otherwise noted) are can be accessed from JSTOR or Heinonline. Access is free on UTEP campus or at home via proxy. Some readings will have an (*) beside them. These readings I will deliver via email.

| APSR American Political Science Review | AJPS American Journal of Political Science |
| MJPS Midwest Journal of Political Science | JOP Journal of Politics |
| JLEO Journal of Law, Economics, and Organization | Jud Judicature |
| JSJ Justice System Journal | PA Political Analysis |
| PRQ Political Research Quarterly | POP Perspectives on Politics |
| PB Political Behavior | L&P Law and Policy |
| LSR Law and Society Review | SPPQ State Politics and Policy Quarterly |

**Evaluation**

This is a graduate seminar, and as such, will only be as successful as the preparation of its participants. You are expected to do all the readings for the week before our class meeting on Tuesdays to facilitate a discussion from all participants involved.

There are two options for your grade:

**Research Paper Option:**
- Weekly reaction papers: 30% total
- Research paper: 50%
- Participation: 20%

**Final Exam Option:**
- Weekly reaction papers: 30% total
- Final exam: 50%
- Participation: 20%

**Reaction Papers:** Each week, beginning Week 2, you are responsible for turning in a reaction paper. **These are to be no more than 1 page, single spaced, at 12pt. font. They are due at 5pm the day BEFORE class (5pm on Monday). No late papers accepted.**

Please email me these assignments as an attachment. The purpose of these papers is to teach to how to develop a single argument in a concise, articulate fashion. Content wise, this assignment if pretty flexible. They can be an alternative research idea, different explanation than what is claimed, a critique of the theory work, or other such reactions. They need to concern the readings of the week, and the best papers will address one issue or question from the current readings, as well as connect them to previous readings. The reason they are due the day before our class meeting is so they will allow me to structure the class, steering the discussion to what each of you found interesting. Understand, these papers are NOT summaries of the readings. They should critically engage the readings.

**Research Paper:** 50% of your grade, if you choose the research paper option, will be based on your performance of an empirical research paper. You should attempt to identify a topic for your paper ASAP and then discuss it with me before the abstract is due (**Sept. 30**). This abstract will not be graded, but instead is designed so that I can provide feedback and assistance on your project. Failure to turn in the abstract on time is a signal to me that you do not value my feedback on your paper proposal and its development and execution, and thus no further assistance will be forthcoming. The paper is due **Dec. 9 by 5pm. No incompletes or late papers accepted.** This paper should be quantitative and there are numerous existing databases that can be used, so you should not have to collect your own data. The goal of this assignment is to leave you with a "conferenceable" paper.

**Academic Honesty and Integrity:**

Per UTEP policy: The University of Texas at El Paso prides itself on its standards of academic excellence. In all matters of intellectual pursuit, UTEP faculty and students must strive to achieve
excellence based on the quality of work produced by the individual. In the classroom and in all other academic activities, students are expected to uphold the highest standards of academic integrity. Any form of scholastic dishonesty is an affront to the pursuit of knowledge and jeopardizes the quality of the degree awarded to all graduates of UTEP. It is imperative, therefore, that the members of this academic community understand the regulations pertaining to academic integrity and that all faculty insist on adherence to these standards.

Any student who commits an act of scholastic dishonesty is subject to discipline. Scholastic dishonesty includes, but is not limited to, cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person, taking an examination for another person, and any act designed to give unfair advantage to a student or the attempt to commit such acts. Proven violations of the detailed regulations, as printed in the Handbook of Operating Procedures (HOP) and available in the Office of the Dean of Students and the homepage of The Dean of Students at www.utep.edu/dos, may result in sanctions ranging from disciplinary probation, to failing a grade on the work in question, to a failing grade in the course, to suspension or dismissal, among others.

Special Needs:

If you have a disability and need classroom accommodations, please contact The Center for Accommodations and Support Services (CASS) at 747-5148, or by email to cass@utep.edu, or visit their office located in UTEP Union East, Room 106. For additional information, please visit the CASS website at www.sa.utep.edu/cass. CASS’ Staff are the only individuals who can validate and if need be, authorize accommodations for students with disabilities.

Week 1. August 26
Introductions
- No readings.

Week 2. Sept. 2
Introduction to the Scientific Study of Judicial Politics
- Baum. Puzzle of Judicial Behavior. CHP 1.

Week 3. Sept 9
Theoretical Perspectives in Judicial Politics
• Baum. Puzzle of Judicial Behavior. All

Week 4. Sept. 16
Issues of Measurement in Judicial Politics

Week 5. Sept 23.
Agenda Setting on the Courts

**Week 6. Sept. 30**

**Attitudinal Theory and the SCAM**


• Segal and Spaeth, *The Supreme Court and the Attitudinal Model Revisited*, Chapters 1, 2, 3, 4, 7, 8, 10, and 11.

**Week 7. Oct. 7.**

**Attitudinal Theory: Criticism and Response**


• Segal, Jeffrey A. and Harold J. Spaeth. 1996. “Norms, Dragons, and Stare Decisis: A Response.” *AJPS* 40:


**Week 8. Oct 14.**

**Strategic Behavior as a Counter-Paradigm**


Judicial Politics in the Lower Federal Courts

Judicial Decision-Making in State Courts
Week 11. Nov. 4.
Judicial Selection and Retirement: Federal Courts

Week 12 Nov. 11
Judicial Selection, Retention, and Retirement: State Courts

Week 13 Nov. 18
External Influence on Courts: Media and Public Opinion
- Caldeira, Gregory A. 1986. “Neither the Purse Nor the Sword: Dynamics of Public Confidence in the Supreme Court.” APSR 80: 1209-1226.


**Week 14. Nov 25.**

**External Influences on Courts: Legislatures, Executives, and Bureaucracies**


**Week 15. Dec 2.**

**Comparative Courts**

**Take Home Final Exam handed out. Due Tuesday, Dec. 9 by 5pm. Not accepted late.**


